

REMARKS/ARGUMENTS

Claims 1-32, 34, 46-48, 50, 52-54, and 58 are canceled.

Claims 65-92 are new.

Support for each new and amended claim is found at the originally filed claims and throughout the specification.

Upon entry of the amendment, Claims 33, 35-45, 51, 55-57, and 59-92 will be active.

No new matter is believed to have been added.

At the outset, for the Examiner's convenience, Applicants note that present Claim 33 incorporates the limitations of now canceled Claim 48 therein, that present Claim 65 incorporates some of the limitations of present Claim 33 and now canceled Claim 50, and that present Claim 77 incorporates some of the limitations of present Claim 33 and now canceled Claim 52. Applicants note that page 7, paragraph 15, of the Official Action describes the limitations of incorporated, and now canceled, Claims 48, 50, and 52, as not being rejected on the basis of adverse prior art.

Applicants respectfully traverse the indefiniteness rejection of Claims 33-64. The rejection of Claims 34, 46-48, 50, 52-54, and 58 is obviated by cancellation of these claims. Claims 33, 35-45, 51, 55-57, and 59-64 have been amended to remove the term "element" and, in its place, substitute the term "substrate." Claim 61 has been amended to indicate the "strip" is formed from at least one damping material. The informalisms have been removed from the claims. Claim 55 has been amended to contain Markush language. Withdrawal of the indefiniteness rejection is respectfully requested.

Applicants respectfully traverse the written description rejection of the specification, because Applicants respectfully submit that the specification clearly describes that the Applicants had possession of the claimed subject matter at the time of the application filing. Withdrawal of the specification objection is respectfully requested.

Because Applicants submit the specification is enabled, Applicants submit the rejection of Claims 36-40 and 43-45, as being based on a non-enabling disclosure, is obviated.

Applicants respectfully traverse the non-statutory subject matter rejection of Claims 61-64, because Applicants respectfully submit that the claimed methods pass the useful, concrete and tangible test. Claim 61, for example, provides a useful result by providing the particular and well defined benefit to the public of being able to tell if a strip has acoustic damping properties. Further, Claim 61 provides a concrete result because, by evaluating the real stiffness per unit length of K'_{eq} of the strip and equivalent loss factor $\tan\delta_{eq}$, and determining if these values fall above or below a given threshold, strips can be repeatedly tested for acoustic dampening properties. Finally, Claim 61 provides a tangible result because the testing of strips to indicate if they have acoustic dampening properties is a practical and real-world application. Withdrawal of the rejection is respectfully requested.

The anticipation rejection of Claims 33-35, 46, 55-57, 59 and 60 as being unpatentable over EP 0696523 is respectfully traversed. The rejection of Claims 34 and 46 is obviated by cancellation of these Claims. Claim 33 has been amended to incorporate limitations of Claim 48 (now canceled) into Claim 33. Because the limitations of now canceled Claim 48 are not described or suggested by EP 0696523, and because Claims 35, 55-57, 59 and 60 depend, directly or indirectly, from Claim 33, withdrawal of the rejection is respectfully requested.

Applicants respectfully traverse the obviousness rejection of Claims 36-45 and 47 as being unpatentable over EP 0696523 in view of JP 63 192608. The rejection of Claim 47 is obviated by cancellation of Claim 47. Claims 36-45 depend from present Claim 33. Claim 33 incorporates limitations of now canceled Claim 48, and these limitations are not described

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or suggested by EP 0696523 or JP 63 192608, either alone or in combination. Withdrawal of the obviousness rejection is respectfully requested.

The anticipation rejections of Claims 33-36, 46-47, 55-57, and 59-60, as being unpatentable in view of Johnson, are respectfully traversed. The rejections of Claims 34, and 46-47, are obviated by cancellation of these claims. Claim 33 incorporates limitations of now canceled Claim 48, and these limitations are not described or suggested by Johnson. Withdrawal of the rejection for Claim 33, and the claims depending therefrom, is respectfully requested.

The obviousness rejection of Claims 37-45 as being unpatentable over Johnson in view of JP Abst '608 is respectfully traversed. Claims 37-45 depend, directly or indirectly, from Claim 33. Claim 33 incorporates limitations of now canceled Claim 48, and these limitations are not described or suggested by Johnson or JP Abst '608, either alone or in combination. Withdrawal of the rejection is respectfully requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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